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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/441,106

11/16/1999

JOSEPH W. KUTER

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07/17/2002

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,106

Applicant(s)

KUTER ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. Figures 1 and 5 are objected to because they contain no legend.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-47 are rejected under 35 U.S.C § 102(e) as being anticipated by Logan et al, U.S. Patent No. 6199076 (hereinafter Logan).

Regarding claim 1, Logan discloses a method of bookmarking a voice message (program) comprising the steps of marking the voice message in a first bookmark location with a first bookmark (col. 3, lines 42-45) such that a listener accesses the voice message at the first bookmark (program segment) location by

selecting the first bookmark (col. 33, lines 24-40). Logan explains the program consists of audio [voice message] provided by a human announcer (col. 38, lines 37-39). In addition to program segments being bookmarked with a "M" and "B" anchor designation, Logan explains the program segments can be also be marked using other anchors (col. 32, lines 10-35). These other anchors read on the claimed bookmarking feature because these anchors allow a listener to select different program segments of a specific audio program (col. 2, lines 5-19).

Regarding claim 2, see col. 16, lines 7-15.

Regarding claim 3, Logan discloses the program segments, which may include bookmarked segments, are to be downloaded and played by a subscriber (col. 8, lines 54-61).

Regarding claims 4-6, see col. 40, lines 18-27. Logan discloses the human editor is the author (col. 36, line 55).

Regarding claim 7, see col. 16, lines 13-15.

Regarding claim 8, Logan discloses the program may consist of a plurality of program segments (col. 2, lines 5-18). Therefore this reads on the claimed second bookmark feature.

Claim 9 is rejected for the same reasons as claim 2.

Claim 10 is rejected for the same reasons as claim 4.

Claim 11 is rejected for the same reasons as claim 8.

Regarding claims 12-15, see col. 40, lines 40-65.

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Regarding claim 16, see col. 2, lines 13-18.

Regarding claims 17-18, see col. 36, lines 37-45.

Claim 19 is rejected for the same reasons as claim 3.

Regarding claim 20, see col. 4, lines 34-50.

Regarding claim 21, see col. 40, lines 55-65.

Regarding claim 22, Logan discloses an apparatus for
bookmarking a voice message comprising:

a storage media for storing the voice message (unit 101,
Figure 1);

a processing unit coupled to the storage media (unit 105,
Figure 1);

and a user interface coupled to the processing unit (unit 118, Figure 1) such that a user places a first bookmark location within the voice message using the interface (col. 16, lines 7-20 and col. 33, lines 24-40). In addition to program segments being bookmarked with a "M" and "B" anchor designation, Logan explains the program segments can be also be marked using other anchors (col. 32, lines 10-35). These other anchors read on the claimed bookmarking feature because these anchors allow a listener to select different program segments of a specific audio program (col. 2, lines 5-19). Logan discloses the bookmarking command and other functions are initiated by utilizing the user interface (col. 13, lines 49-54).

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Regarding claims 23 and 24 see Figure 3, flowchart. A user can choose to place a second bookmark and additional bookmarks (unit 280) until the user selects to end the session (unit 236). Logan discloses the bookmarking command and other functions are initiated by utilizing the user interface (col. 13, lines 49-54).

Regarding claims 25-27, see col. 40, lines 40-65.

Claim 28 is rejected for the same reasons as claim 16.

Regarding claim 29, see col. 36, lines 37-45.

Regarding claim 30, Logan discloses an apparatus for accessing a bookmarked voice message comprising:

a storage media (local storage) for storing the bookmarked voice message (program segment) (col. 16, lines 13-16 and col. 33, lines 24-40). Logan explains the program segments are voice messages (col. 38, lines 19-24). In addition to program segments being bookmarked with a "M" and "B" anchor designation, Logan explains the program segments can also be marked using other anchors (col. 32, lines 10-35). These other anchor designations read on the claimed bookmarking feature because these anchors allow a listener to select different program segments of a specific audio program (col. 2, lines 5-19).

a processing unit (105) coupled to the storage media; and

a user interface (118) coupled to the processing unit such that a listener accesses a first bookmark location within the bookmarked voice message by selecting a first bookmark using the user interface (col. 33, lines 24-40 and Figure 3).

Regarding claim 34, Logan discloses an article of manufacture comprising a computer readable medium bearing computer program code (col. 32, lines 1-10) embodied therein for use with a computer (103), the computer program code including means for marking the voice message in a first bookmark location with a first bookmark such that in operation a listener accesses the voice message at the first bookmark location by selecting the first bookmark (col. 33, lines 24-40).

Claim 35 is rejected for the same reasons as claim 23. Logan also explains that all recorded bookmarks can later be accessed and replayed (col. 16, lines 13-16).

Regarding claims 36 and 37, see col. 40, lines 18-27.

Claim 38 is rejected for the same reasons as claim 2.

Regarding claims 39-41, see col. 40, lines 40-65.

Regarding claim 42, see col. 2, lines 5-18.

Regarding claim 43, see units 280 and 281 of Figure 3.

Claim 44 is rejected for the same reasons as claim 18.

Claim 45 is rejected for the same reasons as claim 43.

Claim 46 is rejected for the same reasons as claim 44.

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Claim 47 is rejected for the same reasons as claim 21.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Olisa Anwah
Patent Examiner
July 10, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

